

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA,
ex rel. STARR CULPEPPER,
O. TAMEKA WREN,**

Plaintiffs,

v.

**BIRMINGHAM JEFFERSON COUNTY)
TRANSIT AUTHORITY (BJCTA),)
ET AL.)**

Defendants.)

**CIVIL ACTION NUMBER
2:18-CV-00567-RDP**

*****FILED UNDER SEAL*****

**UNITED STATES OF AMERICA’S NOTICE OF ELECTION TO
DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, it respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing, however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.* Therefore, the United States requests that, should either the relator or the defendants propose that this action be

dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States. The United States also requests that orders issued by the Court be sent to the Government's counsel. The United States reserves its rights to order any deposition transcripts and to intervene in this action, for good cause, at a later date, and to seek the dismissal of the relator's action or claim.

The United States also requests that it be served with all notices of appeal.

Finally, the United States requests that only the complaint, this notice, and the Court's Order be unsealed and served upon the defendants. The United States requests that all other papers on file in this matter should remain under seal and not be made public or served upon the defendants, because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Respectfully submitted this the 15th day of March, 2019.

JAY E. TOWN
UNITED STATES ATTORNEY

A handwritten signature in dark ink, appearing to read "Margaret Lester Marshall", is written over a horizontal line.

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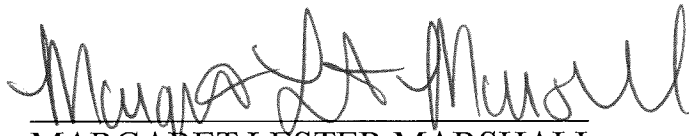
Counsel for the United States

CERTIFICATE OF SERVICE

I, MARGARET LESTER MARSHALL, Assistant United States Attorney, hereby certify that on March 15, 2019, I served the foregoing *Untied States of America's Notice of Election to Decline Intervention* and proposed order, by mailing, postage prepaid, a true copy of the same to counsel for the relator:

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